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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,731	10/22/2003	Daryl S. Meredith	TN-1488-A	6363
7590 12/16/2004				
Black & Decker Inc. 701 E. Joppa Road, TW-199 Towson, MD 21286			EXAMINER HAMILTON, ISAAC N	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 12/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,731

Applicant(s)

MEREDITH ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 25-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/02/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because the statement of the technical disclosure in the abstract does not reflect the limitations of the claims. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 25 and 28 are objected to because of the following informalities: “rotatably table” in claim 25, line 3 should be changed to --table--; “a workpiece” in claim 28, line 2, should be changed to --the workpiece--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. “[A]bout” in line 16 should be removed because the range of the angle is not clear.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (APA) on pages 1 and 2 of the instant application in view of Fisher (4,075,916). APA discloses base assembly 5; table 6; miter axis is at the center of the table; plane is coplanar with the top surface of the table; saw assembly M, 2, 11, 10, 3, 4; motor M; blade 2; arbor A; upper blade guard 4; upper side of blade is the top portion of blade 2; pivot arm 11; beveling/bevel axis on page 1, line 22; first fence 8, 9; second fence 7; fixed fence 8; sliding fence 9; lock mechanism is inherent on page 2, line 1, because APA states that movable fence 9 is “connected” to the fixed fence 8. APA does not disclose a longitudinal axis perpendicular to the arbor, and does not disclose an angle between the longitudinal axis and the miter axis in a range between 47 degrees and -90 degrees. However, Fisher teaches longitudinal axis

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perpendicular to arbor in column 3, lines 67-68, and teaches an angle between the longitudinal axis and the miter axis the specific range mentioned above 98° in figure 2. It would have been obvious to provide a longitudinal axis perpendicular to the arbor, and an angle between the longitudinal axis and the miter axis in a range between 47 degrees and -90 degrees in APA as taught by Fisher in order to provide a large amount of torque to the blade. The increase in torque provided by a worm gear saw is further evidenced in the sixth paragraph of Workbench Magazine's "Choosing a Professional Circular Saw" article.

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of APA and Fisher as applied to claims 25-27 above, and further in view of Ridenour (3,651,840). The combination discloses everything as noted above, but does not disclose a workpiece support assembly. However, Ridenour teaches workpiece support assembly 28. It would have been obvious to provide a workpiece support assembly in the combination as taught by Ridenour in order to hold the workpiece firmly during cutting. See column 2, lines 63-70. Note support portion 31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.



IH

December 12, 2004

BOYER ASHLEY
PRIMARY EXAMINER